

EXHIBIT Q

December 17, 2020

<p style="text-align: right;">Page 1</p> <p>UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK -----X MARIO H. CAPOGROSSO, PLAINTIFF, -against- Case No.: 18 CV 2710 (EK) (LB) ALAN GELBSTEIN, in his individual capacity, IDA TRASCHEN, in her individual capacity, DANIELLE CALVO, in her capacity, SADIQ TAHIR, in his individual capacity, PEC GROUP OF NY, INC., DAVID SMART, and DMV COMMISSIONER MARK SCHROEDER, in his official capacity, DEFENDANTS. -----X DATE: December 17, 2020 TIME: 1:24 P.M. DEPOSITION of the Defendant, DANIELLE CALVO, taken by the Plaintiff, pursuant to a Notice and to the Federal Rules of Civil Procedure, held VIA ZOOM VIDEOCONFERENCE, before Jamie Newman, a Notary Public of the State of New York.</p>	<p style="text-align: right;">Page 3</p> <p>1 2 (Whereupon, all 86 exhibits 3 were previously marked by Counsel, 4 Mark Capogrosso. 5 DANIELLE CALVO, called as a 6 witness, having been first duly sworn by a 7 Notary Public of the State of New York, was 8 examined and testified as follows: 9 EXAMINATION BY 10 MR. CAPOGROSSO: 11 Q. Please state your name for the 12 record. 13 A. Danielle Calvo. 14 Q. What is your address? 15 A. 9952 Fort Hamilton Parkway, 16 Brooklyn, New York 11209. 17 Q. All right. 18 Mario Capogrosso, I'm just 19 going to ask you a couple of questions. I 20 just want the truth, I want to get to the 21 truth. 22 Now, you had me removed, you 23 came to me on the morning of May 11, 2015 24 at the Brooklyn TVB and you asked me to 25 leave in the presence of police officers.</p>
<p style="text-align: right;">Page 2</p> <p>1 2 APPEARANCES: 3 4 THE LAW FIRM OF MARIO H. CAPOGROSSO PLAINTIFF PRO SE 5 21 Sheldrake Place New Rochelle, New York 10804 6 Capogrosso@mjaol.com 7 8 OFFICE OF THE NEW YORK STATE ATTORNEY GENERAL 9 Attorneys for the Defendants ALAN GELBSTEIN, in his individual 10 capacity, IDA TRASCHEN, in her individual capacity, DANIELLE CALVO, in her 11 capacity, SADIQ TAHIR, in his individual capacity, PEC GROUP OF NY, INC., DAVID 12 SMART, and DMV COMMISSIONER MARK SCHROEDER, in his official capacity 13 28 Liberty Street, 17th Floor New York, New York 10005 14 BY: JAMES THOMPSON, ESQ. james.thompson@ag.ny.gov 15 16 DMV LEGAL BUREAU Attorneys for the Defendant 17 DMV COMMISSIONER MARK SCHROEDER, in his official capacity 18 6 Empire State Plaza, Room 522A Albany, New York 11228 19 BY: BARBARA MONTENA, ESQ. File #: 18CV2710 20 barbara.montena@dmv.ny.gov 21 22 * * * * 23 24 25</p>	<p style="text-align: right;">Page 4</p> <p>1 Danielle Calvo 2 Am I right in saying that? 3 A. That's correct. 4 Q. Who told you to do that? 5 A. I was told by my supervisors. 6 Q. Which supervisor? 7 A. I was told by Ida Traschen. 8 Q. On the morning of May 11, 2015? 9 A. What is -- 10 MR. THOMPSON: Is that a 11 question? 12 Q. On the morning of May 11, 2015 13 you had a telephone conversation with Ida 14 Traschen? 15 A. If that is the day you were 16 asked to leave? Yes. 17 Q. Now, for what reason did you 18 have me removed? 19 A. It wasn't my decision, it was 20 my supervisor's decision. 21 Q. It was Ida Traschen's decision? 22 A. Yes. 23 Q. Now, what made you have -- who 24 called whom, did Ida Traschen call you or 25 you called Ida Traschen?</p>

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<p>1 Danielle Calvo</p> <p>2 A. I was directed to call her.</p> <p>3 Q. By whom?</p> <p>4 A. Judge Gelbstein.</p> <p>5 Q. Was Judge Gelbstein in the</p> <p>6 building that morning?</p> <p>7 A. No, he was not.</p> <p>8 Q. Did you view any of the</p> <p>9 videotape of the alleged incident between</p> <p>10 myself and Defendant Smart?</p> <p>11 MR. THOMPSON: Objection to the</p> <p>12 form of the question. You can</p> <p>13 answer.</p> <p>14 A. Not that I recall, no.</p> <p>15 Q. How did you get notice of the</p> <p>16 fact that there was an incident between</p> <p>17 myself and Defendant Smart?</p> <p>18 A. Someone came into the office</p> <p>19 and told me.</p> <p>20 Q. Who?</p> <p>21 A. I don't recall who.</p> <p>22 Q. Was it Defendant Smart?</p> <p>23 A. I don't recall.</p> <p>24 Q. And based on their testimony to</p> <p>25 you, you decided that there was an incident</p>	<p>1 Danielle Calvo</p> <p>2 form of the question, you can answer.</p> <p>3 A. I didn't make any decision</p> <p>4 whether it was the truth or not, I just</p> <p>5 reported what I was told.</p> <p>6 Q. By some person you don't know</p> <p>7 their name?</p> <p>8 A. I don't remember, no.</p> <p>9 Q. Can you tell me exactly what</p> <p>10 that person said to you, exact nature of</p> <p>11 that conversation, the exact words used?</p> <p>12 A. I can't tell you the exact</p> <p>13 words, no.</p> <p>14 Q. But, based on that testimony,</p> <p>15 you made a decision to call Judge</p> <p>16 Gelbstein; is that right?</p> <p>17 A. Yes.</p> <p>18 MR. THOMPSON: Objection to the</p> <p>19 form of the question. You can</p> <p>20 answer.</p> <p>21 Q. And Judge Gelbstein made a</p> <p>22 decision to call who, to call Ida Traschen?</p> <p>23 A. Judge Gelbstein told me to call</p> <p>24 Ida Traschen.</p> <p>25 Q. And based on that observation</p>
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<p>1 Danielle Calvo</p> <p>2 and an altercation between myself and</p> <p>3 Defendant Smart?</p> <p>4 MR. THOMPSON: Objection to the</p> <p>5 form of the question. You can</p> <p>6 answer.</p> <p>7 A. I didn't decide anything. I</p> <p>8 just called Judge Gelbstein and let him</p> <p>9 know what happened and then that was it.</p> <p>10 Q. But, you didn't observe what</p> <p>11 happened; right?</p> <p>12 A. No, I did not.</p> <p>13 Q. And you didn't look at any</p> <p>14 videotape; right?</p> <p>15 A. Not that I recall, no.</p> <p>16 Q. And you had the ability to look</p> <p>17 at the videotape, but you didn't?</p> <p>18 A. I don't know if that incident</p> <p>19 was videotaped. I don't know what position</p> <p>20 on the floor it happened, so I couldn't</p> <p>21 say.</p> <p>22 Q. You're taking somebody's</p> <p>23 witness -- some witness observation as to</p> <p>24 what happened as to the truth; right?</p> <p>25 MR. THOMPSON: Objection to the</p>	<p>1 Danielle Calvo</p> <p>2 -- based on that testimony from a</p> <p>3 third-party, I was removed from the</p> <p>4 practice of law in all New York TVBs?</p> <p>5 Is that fair?</p> <p>6 MR. THOMPSON: Objection to the</p> <p>7 form of the question. You can</p> <p>8 answer.</p> <p>9 A. At that time I had no idea what</p> <p>10 was going to happen, I was just reporting</p> <p>11 to my supervisor what I was told.</p> <p>12 Q. And you don't recall what you</p> <p>13 were told exactly?</p> <p>14 A. No.</p> <p>15 MR. THOMPSON: Objection, asked</p> <p>16 and answered.</p> <p>17 Q. You don't recall the alleged</p> <p>18 incident or what was said concerning the</p> <p>19 incident?</p> <p>20 MR. THOMPSON: Same objection.</p> <p>21 Q. Did you ever talk to Defendant</p> <p>22 Smart concerning the incident?</p> <p>23 A. I don't recall if I had any</p> <p>24 particular conversation with him afterwards</p> <p>25 or during, but I'm sure we did at some</p>

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<p style="text-align: right;">Page 9</p> <p>1 Danielle Calvo</p> <p>2 point.</p> <p>3 Q. So, you never asked him what</p> <p>4 was the nature of the incident between</p> <p>5 myself and him, as to what factually</p> <p>6 occurred?</p> <p>7 MR. THOMPSON: Objection to the</p> <p>8 form of the question. You can</p> <p>9 answer.</p> <p>10 A. I may have asked him at the</p> <p>11 time, but I don't recall what he said to me</p> <p>12 or...</p> <p>13 Q. Did you ask him before I was</p> <p>14 removed, or after I was removed?</p> <p>15 A. I don't know.</p> <p>16 Q. You don't know.</p> <p>17 Did you ever ask me as to what</p> <p>18 happened concerning that alleged incident?</p> <p>19 A. I don't remember having any</p> <p>20 conversation with you, no.</p> <p>21 Q. You don't recall the</p> <p>22 particulars of the incident, you don't</p> <p>23 recall talking to Defendant Smart</p> <p>24 concerning the incident, and you didn't</p> <p>25 talk to me concerning the accident.</p>	<p style="text-align: right;">Page 11</p> <p>1 Danielle Calvo</p> <p>2 wrote about me, that I'm complicit,</p> <p>3 incapable and incompetent, can't you go</p> <p>4 practice somewhere else."</p> <p>5 Do recall that statement by</p> <p>6 Defendant Gelbstein?</p> <p>7 A. No, I do not.</p> <p>8 Q. Do you have any knowledge as to</p> <p>9 whether Defendant Gelbstein or Ida Traschen</p> <p>10 had Defendant Smart approach me on the</p> <p>11 morning of May 11, 2015?</p> <p>12 A. No, I do not.</p> <p>13 Q. Are you privy or knowledgeable</p> <p>14 of the letter that I wrote to the attorney</p> <p>15 general's office on March 20, 2015, were</p> <p>16 you knowledgeable about that?</p> <p>17 MR. THOMPSON: Objection to the</p> <p>18 form, you can answer.</p> <p>19 A. I did know about it. I don't</p> <p>20 know if I ever saw it or who told me about</p> <p>21 it, but I was aware that something was</p> <p>22 written.</p> <p>23 Q. Did you ever read it?</p> <p>24 A. To my knowledge, I don't</p> <p>25 remember.</p>
<p style="text-align: right;">Page 10</p> <p>1 Danielle Calvo</p> <p>2 Yet you make a phone call to</p> <p>3 Defendant Gelbstein concerning the incident</p> <p>4 who tells you to call Ida Traschen</p> <p>5 concerning the incident; is that fair to</p> <p>6 say?</p> <p>7 MR. THOMPSON: Object to the</p> <p>8 form, you can answer.</p> <p>9 A. Yes.</p> <p>10 Q. And as a result of that phone</p> <p>11 call, I'm not allowed to practice at the</p> <p>12 New York TVB, you know that; right?</p> <p>13 MR. THOMPSON: Object to the</p> <p>14 form, you can answer.</p> <p>15 A. I was not aware at that moment</p> <p>16 that that was what was going to happen, but</p> <p>17 I am aware of that afterwards, yes.</p> <p>18 Q. Did you approach me on the</p> <p>19 afternoon of May 8th in the attorneys' room</p> <p>20 in the presence of the Defendant Gelbstein,</p> <p>21 did you and him approach me in the</p> <p>22 afternoon of May 8, 2015?</p> <p>23 A. I don't know if we did or not.</p> <p>24 Q. Do you recall Defendant</p> <p>25 Gelbstein saying to me, "I read what you</p>	<p style="text-align: right;">Page 12</p> <p>1 Danielle Calvo</p> <p>2 Q. Were you knowledgeable of any</p> <p>3 of the complaints I had against Defendant</p> <p>4 Smart at the Brooklyn TVB that I followed</p> <p>5 with Defendant Gelbstein, were you</p> <p>6 knowledgeable of any of those complaints?</p> <p>7 A. I know you made a lot of</p> <p>8 complaints about a lot of different people,</p> <p>9 particularly and specifically, no.</p> <p>10 Q. I only make complaints about</p> <p>11 Defendant Smart.</p> <p>12 The only thing that was in</p> <p>13 writing was to Defendant Smart and I'm</p> <p>14 asking very specifically, did you have any</p> <p>15 knowledge of any of those complaints?</p> <p>16 MR. THOMPSON: Objection, asked</p> <p>17 and answered. You can answer.</p> <p>18 A. I don't recall specifically,</p> <p>19 but I may have known at the time.</p> <p>20 Q. Did you have supervisory</p> <p>21 authority over the actions of Defendant</p> <p>22 Smart at the Brooklyn TVB?</p> <p>23 MR. THOMPSON: Objection to the</p> <p>24 form. You can answer.</p> <p>25 A. To some extent we could ask him</p>

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<p style="text-align: right;">Page 13</p> <p>1 Danielle Calvo</p> <p>2 to do certain things, but he worked for an</p> <p>3 outside company.</p> <p>4 Q. So, who did he report to on a</p> <p>5 daily basis?</p> <p>6 A. He had to call into his office</p> <p>7 every morning and he submitted his time</p> <p>8 cards to them, but we had to know he was</p> <p>9 there.</p> <p>10 Q. Who governed his day-to-day</p> <p>11 activities at the Brooklyn TVB?</p> <p>12 MR. THOMPSON: Objection to the</p> <p>13 form. You can answer.</p> <p>14 A. We would tell him what we</p> <p>15 wanted done as far as opening, closing.</p> <p>16 Things like that.</p> <p>17 Q. You governed his day-to-day</p> <p>18 activities?</p> <p>19 MR. THOMPSON: Same objection.</p> <p>20 Q. Clerical staff, the clerical</p> <p>21 supervisors governed his day-to-day</p> <p>22 activities; is that correct?</p> <p>23 MR. THOMPSON: Same objection.</p> <p>24 A. To some extent, yes.</p> <p>25 Q. And did you receive complaints</p>	<p style="text-align: right;">Page 15</p> <p>1 Danielle Calvo</p> <p>2 Q. Did you take any action and</p> <p>3 response to it?</p> <p>4 A. Not that I remember.</p> <p>5 Q. So, you didn't try to curtail</p> <p>6 that threat or respond to it in any way?</p> <p>7 MR. THOMPSON: Object to the</p> <p>8 form, you can answer.</p> <p>9 A. I don't know if I knew about it</p> <p>10 and I don't know if I did, if I spoke to</p> <p>11 him or not.</p> <p>12 Q. In December of 2014 Defendant</p> <p>13 Smart stood up from where he was sitting,</p> <p>14 pointed directly at me with a spear hand</p> <p>15 and gave me the sign of the cross.</p> <p>16 Were you aware of that</p> <p>17 complaint that I filed with Defendant</p> <p>18 Gelbstein?</p> <p>19 MR. THOMPSON: Objection to the</p> <p>20 form. You can answer.</p> <p>21 A. I don't recall.</p> <p>22 Q. Do you recall reviewing any</p> <p>23 videotape with respect to that complaint?</p> <p>24 A. No, I don't recall.</p> <p>25 Q. Did you take any action in</p>
<p style="text-align: right;">Page 14</p> <p>1 Danielle Calvo</p> <p>2 with respect to Defendant Smart, did they</p> <p>3 go to your office as a clerical supervisor?</p> <p>4 MR. THOMPSON: Object as to</p> <p>5 form. You can answer.</p> <p>6 A. It depends on who the complaint</p> <p>7 was made to specifically.</p> <p>8 Q. If I submitted a complaint to</p> <p>9 Defendant Gelbstein, would become</p> <p>10 knowledgeable of it and have authority to</p> <p>11 act upon it?</p> <p>12 A. If you made the complaint to</p> <p>13 him, he may have told me about them, yes,</p> <p>14 but if you made it to him, then it would be</p> <p>15 up to him to make any decisions.</p> <p>16 Q. Now, in June of 2012 Defendant</p> <p>17 Smart pushed me from behind, assaulted me</p> <p>18 from behind reaching for my cell phone.</p> <p>19 Are aware of that complaint</p> <p>20 that I filed with Defendant Gelbstein, were</p> <p>21 you aware of that?</p> <p>22 MR. THOMPSON: Objection to the</p> <p>23 form.</p> <p>24 A. Not that I recall, but it's</p> <p>25 possible at the time I did.</p>	<p style="text-align: right;">Page 16</p> <p>1 Danielle Calvo</p> <p>2 response to that complaint?</p> <p>3 A. That I don't recall.</p> <p>4 Q. In June of 2012, Defendant</p> <p>5 Smart -- between December 11, 2011 and</p> <p>6 December 12, 2012, Defendant Smart stole</p> <p>7 \$80 on a \$150 fee.</p> <p>8 Were you aware of that, that he</p> <p>9 stole \$80 on a fee that was owed to me?</p> <p>10 MR. THOMPSON: Object to the</p> <p>11 form, you can answer.</p> <p>12 A. No, I was not.</p> <p>13 Q. Did you take any action in</p> <p>14 response to that complaint that I made to</p> <p>15 Defendant Gelbstein concerning that theft?</p> <p>16 A. I don't recall.</p> <p>17 Q. Was there an investigation made</p> <p>18 by your office, the clerical -- you, as a</p> <p>19 supervisor, with respect to that theft?</p> <p>20 A. I don't recall.</p> <p>21 Q. I made complaints to Defendant</p> <p>22 Gelbstein concerning that Defendant Smart,</p> <p>23 after I reported this theft, would get in</p> <p>24 my face, within several inches of my face</p> <p>25 and I would ask him what was the problem</p>

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<p style="text-align: right;">Page 17</p> <p>1 Danielle Calvo</p> <p>2 and he would respond "fuck you, you are the</p> <p>3 problem."</p> <p>4 Did you investigate any of</p> <p>5 those complaints?</p> <p>6 A. I don't recall.</p> <p>7 Q. So, pretty much Defendant Smart</p> <p>8 was given carte blanche to act as he wanted</p> <p>9 to in the Brooklyn TVB with respect to your</p> <p>10 office?</p> <p>11 MR. THOMPSON: Objection to the</p> <p>12 form of the question. You can</p> <p>13 answer.</p> <p>14 Q. You took no action and response</p> <p>15 to any of the threats of violence or</p> <p>16 harassment by Defendant Smart with respect</p> <p>17 to my person; is that fair to say?</p> <p>18 MR. THOMPSON: Same objection,</p> <p>19 you can answer.</p> <p>20 A. I don't recall what was done</p> <p>21 about any of those incidents.</p> <p>22 Q. I'm asking if you took any</p> <p>23 response, you made --</p> <p>24 A. I don't remember.</p> <p>25 Q. So, you gave Defendant Smart</p>	<p style="text-align: right;">Page 19</p> <p>1 Danielle Calvo</p> <p>2 A. Can you repeat that, I didn't</p> <p>3 understand?</p> <p>4 Q. You made no attempt to keep or</p> <p>5 preserve that evidence, that videotape of</p> <p>6 the alleged altercation between myself and</p> <p>7 Defendant Smart?</p> <p>8 MR. THOMPSON: Same objection.</p> <p>9 A. I don't know if it was</p> <p>10 videotaped and I don't recall what was --</p> <p>11 there is no way for me to keep or erase</p> <p>12 anything on there, unless someone would</p> <p>13 have told us how to do it.</p> <p>14 Q. So, you made no attempt to</p> <p>15 preserve it, you didn't make any phone</p> <p>16 calls to the security people who monitor</p> <p>17 these cameras to preserve that evidence,</p> <p>18 did you?</p> <p>19 MR. THOMPSON: Objection to the</p> <p>20 form.</p> <p>21 A. Not that I know of.</p> <p>22 Q. Did you ever view that</p> <p>23 videotape of the alleged incident between</p> <p>24 myself and Defendant Smart?</p> <p>25 A. Not that I recall.</p>
<p style="text-align: right;">Page 18</p> <p>1 Danielle Calvo</p> <p>2 carte blanche, freedom, to act the way he</p> <p>3 wanted to act; is that fair?</p> <p>4 MR. THOMPSON: Objection, asked</p> <p>5 and answered. Argumentative. You</p> <p>6 can answer.</p> <p>7 A. No, I did not.</p> <p>8 Q. Who is in control of the</p> <p>9 videotape at the Brooklyn TVB?</p> <p>10 MR. THOMPSON: Object to the</p> <p>11 form, you can answer.</p> <p>12 A. The cameras themselves -- um --</p> <p>13 the monitor was in the back office. There</p> <p>14 was no tape, it was directly to some type</p> <p>15 of hard drive.</p> <p>16 Q. Did you request that any of the</p> <p>17 videotape of May 11th be preserved or kept?</p> <p>18 A. Not that I recall.</p> <p>19 Q. So, you kept none of the</p> <p>20 evidence that would have shown the alleged</p> <p>21 altercation between myself and Defendant</p> <p>22 Smart on May 11, 2015?</p> <p>23 MR. THOMPSON: Objection to the</p> <p>24 form of the question. You can</p> <p>25 answer.</p>	<p style="text-align: right;">Page 20</p> <p>1 Danielle Calvo</p> <p>2 Q. Did you observe Defendant</p> <p>3 Gelbstein viewing that videotape in your</p> <p>4 presence?</p> <p>5 MR. THOMPSON: Objection to the</p> <p>6 form. You can answer.</p> <p>7 A. Not that I recall.</p> <p>8 Q. Did you ever observe Ida</p> <p>9 Traschen observe that videotape in your</p> <p>10 presence?</p> <p>11 A. No.</p> <p>12 Q. Now, there were many complaints</p> <p>13 written against me and my office while I</p> <p>14 was there at Brooklyn TVB by the clerical</p> <p>15 staff at the Brooklyn TVB.</p> <p>16 Is that fair to say -- is that</p> <p>17 a fair statement?</p> <p>18 A. Yes.</p> <p>19 Q. Is that a fair statement, they</p> <p>20 didn't like me?</p> <p>21 A. I can't say what they felt</p> <p>22 about it, I can only speak for myself.</p> <p>23 Q. Well, they made many complaints</p> <p>24 about me, that's fair, I mean, I have them.</p> <p>25 They were all kept by Defendant Gelbstein,</p>

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<p style="text-align: right;">Page 21</p> <p>1 Danielle Calvo</p> <p>2 they were all made by clerks, some by</p> <p>3 attorneys, one by a judge at the Brooklyn</p> <p>4 TVB and the clerks were under your</p> <p>5 supervision; right?</p> <p>6 MR. THOMPSON: Object to the</p> <p>7 form of the question, it's compound.</p> <p>8 You can answer.</p> <p>9 A. The clerks were under my</p> <p>10 supervision, but I did not ever tell them</p> <p>11 what to write.</p> <p>12 Q. But, you were privy to the</p> <p>13 complaints they made against me; am I</p> <p>14 right?</p> <p>15 A. I'm sure I was at that time,</p> <p>16 yes.</p> <p>17 MR. THOMPSON: Objection.</p> <p>18 Q. Did you investigate at any</p> <p>19 point the voracity or truthfulness of any</p> <p>20 of these complaints?</p> <p>21 A. I may have, I don't know.</p> <p>22 Q. You don't know.</p> <p>23 So, you don't know whether</p> <p>24 they're truthful or not; is that a fair</p> <p>25 statement?</p>	<p style="text-align: right;">Page 23</p> <p>1 Danielle Calvo</p> <p>2 me --</p> <p>3 A. I can't. I can't give you --</p> <p>4 MR. THOMPSON: Objection to the</p> <p>5 form of answer. You can answer.</p> <p>6 A. I can't give you a specific</p> <p>7 time or incident, but I remember speaking</p> <p>8 to you personally myself, asking you that</p> <p>9 if you had a problem with any of the</p> <p>10 clerks, to come speak to me directly as a</p> <p>11 supervisor and I told you that many times.</p> <p>12 Q. I never had a problem with any</p> <p>13 of your clerks, never.</p> <p>14 A. Excuse me?</p> <p>15 Q. Your clerks had a problem with</p> <p>16 me, they didn't like me. I'll get into</p> <p>17 that, but you can't give me one specific</p> <p>18 instance and one specific occurrence?</p> <p>19 MR. THOMPSON: Object to the</p> <p>20 form, asked and answered.</p> <p>21 Q. Can you give me one specific</p> <p>22 instance of where I verbally abused one of</p> <p>23 your clerks, the date, the time and exactly</p> <p>24 what I said, I'd like to know?</p> <p>25 A. No, I can't.</p>
<p style="text-align: right;">Page 22</p> <p>1 Danielle Calvo</p> <p>2 MR. THOMPSON: Objection to the</p> <p>3 form. You can answer.</p> <p>4 A. It depends on what exactly</p> <p>5 we're talking about, I don't know.</p> <p>6 Specific incidents? I don't remember</p> <p>7 specific incidents, but in general, I know</p> <p>8 that there was many times that there was</p> <p>9 problems.</p> <p>10 Q. Well, tell me one of the</p> <p>11 problems, please, tell me one; I want you</p> <p>12 to tell me one?</p> <p>13 MR. THOMPSON: Is that a</p> <p>14 question?</p> <p>15 Q. Yeah, tell me one of the</p> <p>16 problems that you experienced with me and</p> <p>17 your clerical staff, tell me one?</p> <p>18 A. That you would get aggressive</p> <p>19 with them, yelling at them.</p> <p>20 Q. Who, who, tell me who?</p> <p>21 A. I can't name specific names,</p> <p>22 you had a problem with everyone.</p> <p>23 Q. Well, tell me who, can you name</p> <p>24 one; can you name one and tell me a</p> <p>25 specific date and a specific instance, tell</p>	<p style="text-align: right;">Page 24</p> <p>1 Danielle Calvo</p> <p>2 Q. Are you familiar with</p> <p>3 corruption at the New York TVB, are you</p> <p>4 familiar corruption and allegations of</p> <p>5 corruption at the New York TVBs?</p> <p>6 MR. THOMPSON: Objection to the</p> <p>7 form of the question, you can answer.</p> <p>8 A. No.</p> <p>9 Q. You're not.</p> <p>10 Let me direct you to Exhibit 4.</p> <p>11 Let me show you Exhibit 4.</p> <p>12 (Whereupon, Plaintiff's Exhibit</p> <p>13 4, previously marked, was</p> <p>14 introduced.)</p> <p>15 Q. Are you familiar with this</p> <p>16 article, DMV clerk accused of taking bribes</p> <p>17 for years in ticket fixing schemes.</p> <p>18 Do you have any knowledge of</p> <p>19 this article?</p> <p>20 A. It does not look familiar, no.</p> <p>21 Q. Are you familiar with ticket</p> <p>22 fixing schemes at the TVB in New York?</p> <p>23 A. Am I? No, I'm not.</p> <p>24 Q. As a clerical supervisor,</p> <p>25 you're not familiar with the clerks taking</p>

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<p style="text-align: right;">Page 25</p> <p>1 Danielle Calvo</p> <p>2 bribes to fix tickets?</p> <p>3 A. No. If I was aware of that, I</p> <p>4 would have turned them in.</p> <p>5 Q. Let me read a couple of</p> <p>6 statements out of this article that I</p> <p>7 found, this investigation that I made.</p> <p>8 Directing your attention to the</p> <p>9 first paragraph which reads, "my</p> <p>10 investigation found a Traffic Violation</p> <p>11 Bureau mired in corrupt practices, from</p> <p>12 public employees taking cash in fixing</p> <p>13 tickets from attorneys offering clerks</p> <p>14 improper payments in gifts to garner new</p> <p>15 clients all under woefully deficient direct</p> <p>16 oversight Inspector General, IG, Leahy</p> <p>17 Scott."</p> <p>18 Are aware of such allegations</p> <p>19 at the TVB?</p> <p>20 MR. THOMPSON: Objection to the</p> <p>21 form of the question.</p> <p>22 Q. Are you aware of such ticket</p> <p>23 fixing complaints at the TVB?</p> <p>24 A. No.</p> <p>25 Q. Are you aware that clerks</p>	<p style="text-align: right;">Page 27</p> <p>1 Danielle Calvo</p> <p>2 you're not aware of clerks receiving gifts</p> <p>3 in cash?</p> <p>4 A. If I --</p> <p>5 MR. THOMPSON: Objection.</p> <p>6 Object to the form. Objection, asked</p> <p>7 and answered. You can answer.</p> <p>8 A. If I was aware, I would have</p> <p>9 reported them. I don't do illegal things,</p> <p>10 so...</p> <p>11 Q. Were there attorneys giving</p> <p>12 gifts in money and meals to your clerks at</p> <p>13 the TVB?</p> <p>14 A. Not that I know of, no.</p> <p>15 Q. Jeffrey Zift (phonetic) wasn't</p> <p>16 buying your clerks lunch and breakfast in</p> <p>17 the morning?</p> <p>18 A. If they were, then I was not</p> <p>19 told of it.</p> <p>20 Q. And attorneys weren't giving</p> <p>21 them money in cash for Christmas, was that</p> <p>22 happening?</p> <p>23 A. Not that I was aware of, no.</p> <p>24 Q. Was there a clerk doing work</p> <p>25 for another attorney and would do work for</p>
<p style="text-align: right;">Page 26</p> <p>1 Danielle Calvo</p> <p>2 received money in gifts from --</p> <p>3 A. No, if I was aware of that I</p> <p>4 would --</p> <p>5 MR. THOMPSON: Same objection.</p> <p>6 A. -- have reported them.</p> <p>7 Q. That same report, if you go up</p> <p>8 to Page 2. And I'll direct your attention</p> <p>9 to the fourth paragraph down, "Alexis,</p> <p>10 Eddie and one former clerk were also</p> <p>11 accused of steering motorists to certain</p> <p>12 defense lawyers in exchange for cash or</p> <p>13 meals. Officials said they often texted or</p> <p>14 called attorneys throughout the day --</p> <p>15 workday to make the referrals."</p> <p>16 Are you aware of such</p> <p>17 allegations?</p> <p>18 A. This does not stay Brooklyn</p> <p>19 South TVB, this says Northern Manhattan</p> <p>20 Traffic Violation.</p> <p>21 Q. I understand, but at the TVB in</p> <p>22 general, are you aware of such things going</p> <p>23 on; are you aware of it?</p> <p>24 A. No.</p> <p>25 Q. You're a supervisor of clerks,</p>	<p style="text-align: right;">Page 28</p> <p>1 Danielle Calvo</p> <p>2 him?</p> <p>3 A. That should not have not</p> <p>4 occurred and if it did, and I did not know</p> <p>5 about it.</p> <p>6 Q. Well, I was privy to all of</p> <p>7 this. The attorneys were asking me how</p> <p>8 much money was I giving the clerks this</p> <p>9 Christmas, I said none.</p> <p>10 But you weren't aware of any of</p> <p>11 that, money going back and forth?</p> <p>12 MR. THOMPSON: Objection to the</p> <p>13 form of the question.</p> <p>14 A. No.</p> <p>15 Q. Were there parties given for</p> <p>16 the clerks by certain attorneys?</p> <p>17 A. I wouldn't -- sometimes at</p> <p>18 Christmas Judge Gelbstein allowed them to</p> <p>19 not give a party, but like contribute to</p> <p>20 the Christmas party they were also allowed</p> <p>21 to attend.</p> <p>22 Q. Did Terry Kalker give parties</p> <p>23 for the clerks during the holidays?</p> <p>24 A. I believe she was one of the</p> <p>25 people who supplied Kosher food items to</p>

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<p style="text-align: right;">Page 29</p> <p>1 Danielle Calvo</p> <p>2 holiday parties.</p> <p>3 Q. So, she was supplying meals to</p> <p>4 your clerks?</p> <p>5 A. I wouldn't say it was --</p> <p>6 MR. THOMPSON: Objection.</p> <p>7 A. -- a day-to-day occurrence, it</p> <p>8 was allowed.</p> <p>9 Q. And were those attorneys given</p> <p>10 preferential treatment?</p> <p>11 A. No, they were not.</p> <p>12 Q. They were not.</p> <p>13 Did you think that there was an</p> <p>14 appearance -- that it was improper for your</p> <p>15 clerks to receive money, cash, meals --</p> <p>16 MR. THOMPSON: Object to the</p> <p>17 form of the question.</p> <p>18 Q. -- by attorneys, was it</p> <p>19 improper; was it an improper act for your</p> <p>20 clerks to receive such gratuities?</p> <p>21 MR. THOMPSON: Same objection.</p> <p>22 A. If I would have known about</p> <p>23 them receiving any gratuities or anything</p> <p>24 improper, I would have reported it.</p> <p>25 Q. All right.</p>	<p style="text-align: right;">Page 31</p> <p>1 Danielle Calvo</p> <p>2 form.</p> <p>3 Q. I was given this letter in June</p> <p>4 of 2012, can you tell me what the</p> <p>5 threatening conduct I ever exhibited with</p> <p>6 one of your clerks?</p> <p>7 MR. THOMPSON: Same objection,</p> <p>8 you can answer.</p> <p>9 A. It's not up to me to decide</p> <p>10 what is threatening conduct. If they feel</p> <p>11 like they were threatened, then they</p> <p>12 reported it. If not...</p> <p>13 Q. Well, what threatening conduct</p> <p>14 was ever reported to you by one of your</p> <p>15 clerks, tell me?</p> <p>16 A. I don't recall specific</p> <p>17 incidents.</p> <p>18 Q. Tell me what verbal threat of</p> <p>19 physical violence I ever made to one of</p> <p>20 your clerks, can you tell me the date and</p> <p>21 time I made it?</p> <p>22 MR. THOMPSON: Objection, asked</p> <p>23 and answered.</p> <p>24 Q. Tell me one time I verbally</p> <p>25 abused one of your clerks, the date, the</p>
<p style="text-align: right;">Page 30</p> <p>1 Danielle Calvo</p> <p>2 Let me direct your attention to</p> <p>3 Exhibit 35, lets go through some of these</p> <p>4 complaints by your clerks. Actually, Can</p> <p>5 we go to Exhibit 6 -- it's not Exhibit 6.</p> <p>6 Give me one minute. Exhibit 11.</p> <p>7 (Whereupon, Plaintiff's Exhibit</p> <p>8 11, previously marked, was</p> <p>9 introduced.)</p> <p>10 Q. Directing your attention to</p> <p>11 this exhibit, Exhibit 11.</p> <p>12 Is Danielle there?</p> <p>13 A. Yes.</p> <p>14 Q. All right, fine.</p> <p>15 Are you familiar with this</p> <p>16 exhibit?</p> <p>17 A. I don't know if I've seen this</p> <p>18 before or not.</p> <p>19 Q. Well, it's telling you that I</p> <p>20 have to restrain from threatening conduct.</p> <p>21 Can you tell me what</p> <p>22 threatening conduct I exhibited towards</p> <p>23 your clerks, can you tell me exactly what I</p> <p>24 did?</p> <p>25 MR. THOMPSON: Objection to the</p>	<p style="text-align: right;">Page 32</p> <p>1 Danielle Calvo</p> <p>2 time, the occurrence, exactly what I said?</p> <p>3 MR. THOMPSON: Objection.</p> <p>4 A. No, I cannot tell you that.</p> <p>5 Q. Can you tell me what ethnic</p> <p>6 slur I ever made with respect to one of</p> <p>7 your clerks?</p> <p>8 MR. THOMPSON: Same objection,</p> <p>9 you can answer.</p> <p>10 A. I can't tell you specifically</p> <p>11 any incident, date, time. I don't have</p> <p>12 that information.</p> <p>13 Q. They didn't like me because I</p> <p>14 wasn't buying them presents or buying them</p> <p>15 meals or giving them cash for the holidays.</p> <p>16 Would that be a fair statement?</p> <p>17 A. No, I would say not.</p> <p>18 MR. THOMPSON: Objection to the</p> <p>19 form of the question.</p> <p>20 Q. So, tell me the reasons they</p> <p>21 didn't like me?</p> <p>22 A. I can't tell you, I can only</p> <p>23 speak for myself.</p> <p>24 Q. Did you ever make an</p> <p>25 investigation to any of these complaints</p>

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<p style="text-align: right;">Page 33</p> <p>1 Danielle Calvo</p> <p>2 against me by your clerks?</p> <p>3 A. If I did, I don't recall, but I</p> <p>4 may have.</p> <p>5 Q. Can you tell me the results of</p> <p>6 that investigation?</p> <p>7 A. I can't tell you because I</p> <p>8 don't recall.</p> <p>9 Q. But, those complaints of</p> <p>10 misconduct were used to get me removed from</p> <p>11 the Brooklyn TVB and from all TVBs; is that</p> <p>12 fair to say?</p> <p>13 MR. THOMPSON: Objection to the</p> <p>14 form of the question. You can</p> <p>15 answer.</p> <p>16 A. I can't say that what -- they</p> <p>17 were incidents that they reported. They</p> <p>18 were -- there was not a specific reason why</p> <p>19 that they reported them. They felt that it</p> <p>20 was an incident, so I can't say why they</p> <p>21 reported it or not.</p> <p>22 Q. But, they were all used against</p> <p>23 me and they were all used against me to</p> <p>24 have me removed and you made no</p> <p>25 investigation as to whether they were true</p>	<p style="text-align: right;">Page 35</p> <p>1 Danielle Calvo</p> <p>2 I did?</p> <p>3 A. Aggressive behavior.</p> <p>4 Q. Tell me the aggressive</p> <p>5 behavior, tell me what I did?</p> <p>6 A. I can't give you specific</p> <p>7 instances. You were argumentative,</p> <p>8 yelling, always aggressive, always</p> <p>9 complaining. We didn't have this many</p> <p>10 problems with anyone else. So I can't tell</p> <p>11 you specific incidents. You have the</p> <p>12 reports, so you must know what they are.</p> <p>13 Q. All I know is Mr. Capogrosso is</p> <p>14 the problem and that's all I know and there</p> <p>15 is no investigation made. This is the</p> <p>16 voracity of the complaints to the</p> <p>17 allegations and Mr. Capogrosso is given no</p> <p>18 opportunity to respond.</p> <p>19 That's all I know that he's the</p> <p>20 problem and that's it. Is that your</p> <p>21 position?</p> <p>22 MR. THOMPSON to the form of the</p> <p>23 question.</p> <p>24 A. I did not say that I never did</p> <p>25 anything about any of the complaints. I</p>
<p style="text-align: right;">Page 34</p> <p>1 Danielle Calvo</p> <p>2 or not; is that fair?</p> <p>3 MR. THOMPSON: Objection.</p> <p>4 A. I didn't say that, I said I</p> <p>5 don't recall.</p> <p>6 Q. You gave me no opportunity to</p> <p>7 respond to any of these complaints; right?</p> <p>8 A. I don't recall.</p> <p>9 MR. THOMPSON: Objection to the</p> <p>10 form.</p> <p>11 Q. Now, you didn't like me either</p> <p>12 at the Brooklyn TVB; is that fair, you</p> <p>13 wanted me out of there?</p> <p>14 A. You were a problem and I felt</p> <p>15 that you threatened the staff, yes.</p> <p>16 Q. You wanted me removed; right?</p> <p>17 A. But it was not my decision in</p> <p>18 any form because you would have been out</p> <p>19 way sooner.</p> <p>20 Q. But you wanted me out of there,</p> <p>21 didn't you?</p> <p>22 A. I wanted you to stop what you</p> <p>23 were doing and if you could have stopped,</p> <p>24 then you wouldn't have had to be...</p> <p>25 Q. Stop what, tell me exactly what</p>	<p style="text-align: right;">Page 36</p> <p>1 Danielle Calvo</p> <p>2 don't remember.</p> <p>3 Q. Did you ever give me an</p> <p>4 opportunity to respond to one of these</p> <p>5 complaints so I could resolve the issue?</p> <p>6 MR. THOMPSON: Objection, asked</p> <p>7 and answered. You can answer.</p> <p>8 Q. What opportunity did you give</p> <p>9 me to respond to any one of the complaints</p> <p>10 by your clerks?</p> <p>11 A. I don't know specifically about</p> <p>12 those complaints, but I know I spoke to you</p> <p>13 on many occasions asking you not to direct</p> <p>14 any issues with the clerks whatsoever.</p> <p>15 Q. Concerning what?</p> <p>16 A. Concerning anything. If you</p> <p>17 had a problem --</p> <p>18 MR. THOMPSON: Objection, you</p> <p>19 asked this question over and over</p> <p>20 again.</p> <p>21 THE COURT REPORTER: Hold on,</p> <p>22 my hands are off the record. It's</p> <p>23 physically impossible on a Zoom to</p> <p>24 get all three of you at the same</p> <p>25 time.</p>

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<p style="text-align: right;">Page 37</p> <p>1 Danielle Calvo</p> <p>2 Q. You can't identify one specific</p> <p>3 instance of misconduct with respect to your</p> <p>4 clerks; is that fair today?</p> <p>5 A. From memory? No.</p> <p>6 Q. Can I direct you to Exhibit 7.</p> <p>7 (Whereupon, Plaintiff's Exhibit</p> <p>8 7, previously marked, was</p> <p>9 introduced.)</p> <p>10 Q. And I'll direct you to</p> <p>11 Paragraph 13.</p> <p>12 Are you there?</p> <p>13 A. I'm here, but I don't see</p> <p>14 Paragraph 13.</p> <p>15 Q. Now, this was a petition that</p> <p>16 was submitted -- that was written by my</p> <p>17 attorney in an Article 78 proceeding.</p> <p>18 Capogrosso versus the Department of Motor</p> <p>19 Vehicles. And in that petition in</p> <p>20 Paragraph 13 I indicate that I had an</p> <p>21 incident with Yakov Brody.</p> <p>22 Do you recall that incident?</p> <p>23 A. I recall there was an incident,</p> <p>24 but I don't remember specifics.</p> <p>25 Q. And it happened in</p>	<p style="text-align: right;">Page 39</p> <p>1 Danielle Calvo</p> <p>2 you can answer.</p> <p>3 A. I also don't remember.</p> <p>4 Q. But, you wanted me out because</p> <p>5 that's what that Paragraph 13 says, "now's</p> <p>6 our chance to get rid of him."</p> <p>7 Did you make that statement</p> <p>8 concerning --</p> <p>9 A. I'm sure I did not.</p> <p>10 Q. -- concerning the incident with</p> <p>11 Yakov Brody on December 22, 2011, did you</p> <p>12 make that statement?</p> <p>13 A. Not that I recall, no.</p> <p>14 Q. You don't remember making it?</p> <p>15 A. No.</p> <p>16 Q. But, you wanted me out, right,</p> <p>17 from the DMV?</p> <p>18 MR. THOMPSON: Objection, asked</p> <p>19 and answered. You can answer.</p> <p>20 Q. Did you want me out because I</p> <p>21 wasn't giving cash and meals and presents</p> <p>22 to your clerks?</p> <p>23 MR. THOMPSON: Objection, asked</p> <p>24 and answered. Don't badger the</p> <p>25 witness.</p>
<p style="text-align: right;">Page 38</p> <p>1 Danielle Calvo</p> <p>2 December 2011.</p> <p>3 Did you ever give me an</p> <p>4 opportunity to file my affidavit as to what</p> <p>5 happened with respect to that incident?</p> <p>6 A. I didn't ask you for anything,</p> <p>7 but if you want to write something, you</p> <p>8 could have.</p> <p>9 Q. But, you took Yakov Brody's</p> <p>10 statement; right?</p> <p>11 A. Anyone who wants to make a</p> <p>12 statement, makes a statement. If they</p> <p>13 don't want -- if someone doesn't give me</p> <p>14 one, I don't ask for something unless I'm</p> <p>15 told that we need it.</p> <p>16 Q. And you illicited the</p> <p>17 statements of all the other attorneys</p> <p>18 concerning this one incident; right?</p> <p>19 MR. THOMPSON: Objection to the</p> <p>20 form of the question, you can answer.</p> <p>21 A. I don't remember.</p> <p>22 Q. You don't remember.</p> <p>23 But, you never illicited my</p> <p>24 affidavit, right, as to what happened?</p> <p>25 MR. THOMPSON: Same objection,</p>	<p style="text-align: right;">Page 40</p> <p>1 Danielle Calvo</p> <p>2 Q. Did you want me out because I</p> <p>3 wasn't giving cash and meals and gratuities</p> <p>4 to you as a clerical supervisor?</p> <p>5 A. No, I did not.</p> <p>6 MR. THOMPSON: Objection, asked</p> <p>7 and answered.</p> <p>8 Q. You did not want me out for</p> <p>9 that reason?</p> <p>10 A. No.</p> <p>11 Q. Were you receiving gifts and</p> <p>12 gratuities and meals from the other</p> <p>13 attorneys?</p> <p>14 A. No, I did not.</p> <p>15 Q. Did you have any specific</p> <p>16 complaints from motorists or clients of</p> <p>17 mine to your office that I behaved</p> <p>18 improperly, rudely or threatened them in</p> <p>19 any way, by motorists or clients, other</p> <p>20 than your clerks?</p> <p>21 MR. THOMPSON: Objection, asked</p> <p>22 and answered.</p> <p>23 Q. I haven't heard that one.</p> <p>24 Did you receive any complaints</p> <p>25 from motorists or clients that I threatened</p>

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<p style="text-align: right;">Page 41</p> <p>1 Danielle Calvo</p> <p>2 them or I abused them -- verbally abused</p> <p>3 them, did you receive any such complaints</p> <p>4 from motorist or clients?</p> <p>5 A. Not that I recall.</p> <p>6 Q. So the only complaints that you</p> <p>7 are getting are from your clerks?</p> <p>8 MR. THOMPSON: Objection to the</p> <p>9 form of the question. You can</p> <p>10 answer.</p> <p>11 A. Whatever complaints are on</p> <p>12 file, I don't remember.</p> <p>13 Q. Right.</p> <p>14 And it's because I didn't give</p> <p>15 those clerks money for Christmas and I</p> <p>16 wasn't buying them breakfast?</p> <p>17 MR. THOMPSON: Objection, asked</p> <p>18 and answered. I think four times</p> <p>19 now.</p> <p>20 Q. Now, there was an incident with</p> <p>21 Yakov Brody on December 11, 2011 and Brody</p> <p>22 states that I threw a coffee cup, an empty</p> <p>23 coffee cup in a garbage can that he was</p> <p>24 sitting next to.</p> <p>25 Were you familiar with that</p>	<p style="text-align: right;">Page 43</p> <p>1 Danielle Calvo</p> <p>2 answered, you can answer.</p> <p>3 A. Not that I recall. I don't</p> <p>4 remember.</p> <p>5 Q. But, it was okay for attorney</p> <p>6 Brody to give you his affidavit as to what</p> <p>7 happened?</p> <p>8 MR. THOMPSON: Objection to the</p> <p>9 form, you can answer.</p> <p>10 A. Anyone who wanted to make a</p> <p>11 report, could have made a report. If you</p> <p>12 wanted to make a report, Mr. Capogrosso,</p> <p>13 you could have made a report.</p> <p>14 Q. I was removed from the Brooklyn</p> <p>15 TVB based on that incident, so I didn't</p> <p>16 have the opportunity to make a report;</p> <p>17 right?</p> <p>18 MR. THOMPSON: Objection to the</p> <p>19 form, you can answer.</p> <p>20 A. I don't know. If you say you</p> <p>21 didn't have an opportunity, than you</p> <p>22 didn't, I have no idea.</p> <p>23 Q. Did you ever question me</p> <p>24 concerning that incident?</p> <p>25 A. I don't remember.</p>
<p style="text-align: right;">Page 42</p> <p>1 Danielle Calvo</p> <p>2 complaint?</p> <p>3 A. Specifically I don't remember</p> <p>4 that date or an incident about a coffee</p> <p>5 cup.</p> <p>6 Q. But, you never took my</p> <p>7 affidavit with respect to that alleged</p> <p>8 incident with Yakov Brody; right?</p> <p>9 MR. THOMPSON: Objection, asked</p> <p>10 and answered. You can answer.</p> <p>11 Q. All I said to Yakov Brody that</p> <p>12 day was "excuse me, can I get my coffee."</p> <p>13 And he told me, "excuse yourself, go fuck</p> <p>14 yourself, you Jew hater anti-Semite." You</p> <p>15 know that's what Yakov Brody told me that</p> <p>16 day twice. "Excuse yourself, go fuck</p> <p>17 yourself, you Jew hater anti-Semite. And</p> <p>18 then I leave to get away from the</p> <p>19 situation, I come back and he is still</p> <p>20 blocking the coffee and he says that again</p> <p>21 to me.</p> <p>22 Did you ever take my affidavit</p> <p>23 with respect to what happened that day?</p> <p>24 MR. THOMPSON: Objection to the</p> <p>25 form of the question. Asked and</p>	<p style="text-align: right;">Page 44</p> <p>1 Danielle Calvo</p> <p>2 Q. Was any of it grieved or sent</p> <p>3 to the grievance committee of the State of</p> <p>4 New York by one of your clerks; did they</p> <p>5 ever bring a grievance against me</p> <p>6 personally to the grievance committee to</p> <p>7 the State of New York?</p> <p>8 A. Not that I'm aware of, no.</p> <p>9 Q. But, you're aware that another</p> <p>10 attorney was grieved who worked at the</p> <p>11 Department of Motor Vehicles, an attorney</p> <p>12 named Eamon Teague?</p> <p>13 MR. THOMPSON: Objection to the</p> <p>14 form of the question.</p> <p>15 A. An attorney who?</p> <p>16 Q. Eamon Teague that he was</p> <p>17 grieved for an inappropriate conduct?</p> <p>18 A. No, I don't even know who that</p> <p>19 person is.</p> <p>20 Q. Why didn't you grieve me for</p> <p>21 any of these acts that I committed with</p> <p>22 your clerks, why didn't you ever grieve me;</p> <p>23 why didn't you bring a complaint to the</p> <p>24 grievance committee?</p> <p>25 A. You're asking me that. I have</p>

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<p style="text-align: right;">Page 45</p> <p>1 Danielle Calvo</p> <p>2 no idea because I don't even know what that</p> <p>3 process is. We went through our own DMV</p> <p>4 reporting, not to any outside other things.</p> <p>5 I don't know what that is that you're</p> <p>6 talking about.</p> <p>7 Q. And you never questioned the</p> <p>8 truth or veracity of any of those reports;</p> <p>9 right?</p> <p>10 MR. THOMPSON: Objection to the</p> <p>11 form. Objection, asked and answered.</p> <p>12 You can answer.</p> <p>13 Q. Are you familiar with, let's</p> <p>14 see, Melanie Levine; are you familiar with</p> <p>15 Melanie Levine, does that name ring a bell?</p> <p>16 A. Yes, she was a supervisor in</p> <p>17 our office at one point.</p> <p>18 Q. And she filed a complaint</p> <p>19 against me too, are you aware of that; she</p> <p>20 filed a work violence incident report, are</p> <p>21 you familiar with that?</p> <p>22 A. I may have been, but I don't</p> <p>23 recall right now.</p> <p>24 Q. Can pull up Exhibit 85.</p> <p>25 (Whereupon, Plaintiff's Exhibit</p>	<p style="text-align: right;">Page 47</p> <p>1 Danielle Calvo</p> <p>2 A. I don't know if I did at the</p> <p>3 time.</p> <p>4 Q. Could you have investigated the</p> <p>5 truth, the validity of this report?</p> <p>6 A. I could have, but it depends on</p> <p>7 what my supervisor told me to do.</p> <p>8 Q. So, you don't know whether I</p> <p>9 represented this Mr. Perez on January 21,</p> <p>10 2015, because I never did. I was never in</p> <p>11 court with him, you know that; right?</p> <p>12 A. I don't know that.</p> <p>13 MR. THOMPSON: Objection to the</p> <p>14 form. You can answer.</p> <p>15 A. I don't know that. I don't</p> <p>16 recall that.</p> <p>17 Q. So, you don't know whether it's</p> <p>18 true or not because -- you don't know the</p> <p>19 -- you never took my statement with respect</p> <p>20 to this work incident report, did you, as</p> <p>21 to what happened?</p> <p>22 A. I don't remember if I did or</p> <p>23 not.</p> <p>24 Q. Well, let me tell you what</p> <p>25 happened that day because I never</p>
<p style="text-align: right;">Page 46</p> <p>1 Danielle Calvo</p> <p>2 85 previously marked, was</p> <p>3 introduced.)</p> <p>4 Q. Are you familiar with this</p> <p>5 workplace violence incident?</p> <p>6 A. I don't -- I may have seen it</p> <p>7 before, I don't remember.</p> <p>8 Q. Were you a supervisor at the</p> <p>9 DMV, Brooklyn DMV on February 5, 2015?</p> <p>10 A. Yes.</p> <p>11 Q. Did you ever investigate the</p> <p>12 facts and allegations of this incident</p> <p>13 report as a supervisor?</p> <p>14 A. I don't know what the incident</p> <p>15 was because I only see the top part of it.</p> <p>16 Q. Let's go to the second page.</p> <p>17 This is a clerical supervisor, like</p> <p>18 yourself, writing about me.</p> <p>19 "Attorney Capogrosso had</p> <p>20 represented Mr. Perez at trial for three</p> <p>21 violations on January 22, 2015." Did you</p> <p>22 investigate the validity of that statement,</p> <p>23 the truthfulness of that statement as to</p> <p>24 whether I actually represented them at</p> <p>25 trial?</p>	<p style="text-align: right;">Page 48</p> <p>1 Danielle Calvo</p> <p>2 represented Mr. Perez in court on these</p> <p>3 three violations that you could have</p> <p>4 checked out. Mr. Perez got his own license</p> <p>5 suspended before Judge Waltrus (phonetic)</p> <p>6 and he came out and hired me on an appeal</p> <p>7 and then he went home and found out his</p> <p>8 license was suspended and then he came back</p> <p>9 to court.</p> <p>10 And you know what he did when</p> <p>11 he came back to court, he demanded his</p> <p>12 money back and you know what I did, I gave</p> <p>13 his money back. And you know what he did</p> <p>14 after that, he threatened me with a knife.</p> <p>15 He was going to cut me and stab me with a</p> <p>16 knife and then slash the tires of my car.</p> <p>17 MR. THOMPSON: Objection.</p> <p>18 Who's testifying here?</p> <p>19 Q. I'm prefacing my question.</p> <p>20 Did you ever investigate the</p> <p>21 actual complaint as to what actually</p> <p>22 happened with me concerning this event?</p> <p>23 A. I do not recall.</p> <p>24 Q. But you never took my statement</p> <p>25 with this report as to what happened, this</p>

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<p style="text-align: right;">Page 49</p> <p>1 Danielle Calvo</p> <p>2 is a clerical supervisor making this</p> <p>3 report?</p> <p>4 A. Anyone could make any report</p> <p>5 they want to.</p> <p>6 Q. So, a false report that is</p> <p>7 submitted to your office and you accept it</p> <p>8 as truth; is that a fair statement?</p> <p>9 MR. THOMPSON: Objection to the</p> <p>10 form of the question. You can</p> <p>11 answer.</p> <p>12 Q. You accept this report as true?</p> <p>13 A. Is that report sent to me?</p> <p>14 Q. It's written in big Melanie</p> <p>15 Levine.</p> <p>16 A. All right, but who is it sent</p> <p>17 to?</p> <p>18 Q. It's written by a clerical</p> <p>19 supervisor, did you not have access to this</p> <p>20 report?</p> <p>21 A. All right, but I can't stop</p> <p>22 anyone from making whatever report they</p> <p>23 want.</p> <p>24 Q. You don't investigate the</p> <p>25 truthfulness of any of these reports?</p>	<p style="text-align: right;">Page 51</p> <p>1 Danielle Calvo</p> <p>2 MR. THOMPSON: Objection to</p> <p>3 form, you can answer.</p> <p>4 A. I was not doing anything. If</p> <p>5 they made the reports they made the</p> <p>6 reports. I was not amassing any kind of</p> <p>7 thing against you.</p> <p>8 Q. You didn't investigate the</p> <p>9 truth and you didn't give me any</p> <p>10 opportunity to respond, so pretty much any</p> <p>11 report that is written is accepted as truth</p> <p>12 in your office; right?</p> <p>13 MR. THOMPSON: Objection.</p> <p>14 Object to the form. Objection, asked</p> <p>15 and answered. Objection, badgering</p> <p>16 the witness.</p> <p>17 Q. At what point in time did you</p> <p>18 give me an opportunity to respond to that</p> <p>19 report --</p> <p>20 MR. THOMPSON: Objection to the</p> <p>21 form.</p> <p>22 Q. -- at what point in time did</p> <p>23 you give me an opportunity to respond to</p> <p>24 that report?</p> <p>25 MR. THOMPSON: You can answer.</p>
<p style="text-align: right;">Page 50</p> <p>1 Danielle Calvo</p> <p>2 A. I don't recall what I did at</p> <p>3 that time in regards to that report, but</p> <p>4 anyone could make whatever report they</p> <p>5 want.</p> <p>6 Q. Anybody could say whatever they</p> <p>7 want, say it whether it has any truth or</p> <p>8 not with respect to your office and you</p> <p>9 don't care, you let them write whatever</p> <p>10 they want?</p> <p>11 MR. THOMPSON: Objection,</p> <p>12 argumentative?</p> <p>13 Q. I'm not being argumentative, is</p> <p>14 that your position?</p> <p>15 A. I never said I don't care, but</p> <p>16 I can't block someone from making a work</p> <p>17 place violence report.</p> <p>18 Q. Fine.</p> <p>19 You don't investigate the truth</p> <p>20 of that report now, do you?</p> <p>21 A. I'm not an investigator, I was</p> <p>22 a supervisor.</p> <p>23 Q. But, you're using those reports</p> <p>24 to get me removed from the Brooklyn TVB,</p> <p>25 are you not?</p>	<p style="text-align: right;">Page 52</p> <p>1 Danielle Calvo</p> <p>2 A. It's a report, it's not a</p> <p>3 question and answer --</p> <p>4 Q. That was used --</p> <p>5 A. -- it's a report made by a DMV</p> <p>6 employee.</p> <p>7 Q. To get me removed from</p> <p>8 practicing law in all New TVBs. You don't</p> <p>9 investigate the truth of it, you give me no</p> <p>10 opportunity to respond to it --</p> <p>11 MR. THOMPSON: Objection, asked</p> <p>12 and answered.</p> <p>13 Q. -- is that a fair statement?</p> <p>14 MR. THOMPSON: Same objection.</p> <p>15 Object as to form, you can answer.</p> <p>16 A. No, it's not a fair statement.</p> <p>17 Q. At what point in time did I get</p> <p>18 to see this work incident report prior to</p> <p>19 my removal of May 11, 2015, when?</p> <p>20 A. That would have been up to</p> <p>21 Albany, not to me.</p> <p>22 Q. Where is this report sent to?</p> <p>23 A. Look at the top of the page, I</p> <p>24 don't know.</p> <p>25 Q. And you also sent work violence</p>

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<p style="text-align: right;">Page 53</p> <p>1 Danielle Calvo</p> <p>2 reports up to the chain, right; you sent</p> <p>3 them to Albany work violence reports, did</p> <p>4 you not?</p> <p>5 A. I'm sure I have, yes.</p> <p>6 Q. Concerning me?</p> <p>7 A. I don't recall.</p> <p>8 Q. Did you ever give me an</p> <p>9 opportunity to supply my version of the</p> <p>10 story as to what happened to any of these</p> <p>11 work violence reports?</p> <p>12 A. A workplace violence report is</p> <p>13 a report by someone who has an issue. It</p> <p>14 is not up for me to decide whether or not</p> <p>15 it's true or whether or not I want to send</p> <p>16 it.</p> <p>17 Q. Anybody in your office can</p> <p>18 write whatever they want whether it's true</p> <p>19 or not --</p> <p>20 MR. THOMPSON: Objection, you</p> <p>21 keep --</p> <p>22 Q. -- and it gets accepted --</p> <p>23 MR. THOMPSON: You keep making</p> <p>24 these loud statement.</p> <p>25 Q. Anybody gets to write whatever</p>	<p style="text-align: right;">Page 55</p> <p>1 Danielle Calvo</p> <p>2 me to give you, and to have the police</p> <p>3 escort me to let you know to call Albany.</p> <p>4 What they were going to do with you after</p> <p>5 that or what they were going to allow, was</p> <p>6 not ever my decision.</p> <p>7 Q. But, you personally approached</p> <p>8 me on the morning of May 11th; right?</p> <p>9 A. Yes, as told by my supervisor</p> <p>10 to do.</p> <p>11 Q. And that was whom?</p> <p>12 A. Ida Traschen is the one who</p> <p>13 told me to do that.</p> <p>14 Q. After consulting with Judge</p> <p>15 Gelbstein that morning.</p> <p>16 Now, you didn't like me, right,</p> <p>17 you didn't like me as an attorney working</p> <p>18 down there; is that true?</p> <p>19 MR. THOMPSON: Objection, asked</p> <p>20 and answered.</p> <p>21 Q. You didn't like me as an</p> <p>22 attorney?</p> <p>23 A. I didn't like the things you</p> <p>24 did.</p> <p>25 Q. And you wanted me out of there;</p>
<p style="text-align: right;">Page 54</p> <p>1 Danielle Calvo</p> <p>2 they want on a work incident report, is</p> <p>3 that true and make whatever statements they</p> <p>4 want without any review by your office?</p> <p>5 MR. THOMPSON: Object to the</p> <p>6 form. You can answer.</p> <p>7 A. Anyone could make any kind of</p> <p>8 statement, yes. If they feel that it was</p> <p>9 workplace violence they are allowed to make</p> <p>10 a report.</p> <p>11 Q. And your office does no review</p> <p>12 of it?</p> <p>13 A. What we did or did not do at</p> <p>14 that time, I don't remember. But, this</p> <p>15 report was not to me. If you go back to</p> <p>16 the top of the page, I believe it's to</p> <p>17 someone in Albany, whatever department.</p> <p>18 Q. Were you personally involved in</p> <p>19 my removal on May 11, 2015?</p> <p>20 MR. THOMPSON: Object to the</p> <p>21 form, you can answer.</p> <p>22 Q. Were personally involved in my</p> <p>23 removal on the morning of May 11, 2015?</p> <p>24 A. My only involvement was to give</p> <p>25 you the information that Ida Traschen told</p>	<p style="text-align: right;">Page 56</p> <p>1 Danielle Calvo</p> <p>2 right?</p> <p>3 MR. THOMPSON: Objection, asked</p> <p>4 and answered.</p> <p>5 A. I wanted you to stop what you</p> <p>6 were doing. I didn't care one way if you</p> <p>7 were out of there or not. I just needed to</p> <p>8 have certain order in the place and --</p> <p>9 Q. You never explained exactly</p> <p>10 what I was doing?</p> <p>11 MR. THOMPSON: You cannot keep</p> <p>12 asking the same question over and</p> <p>13 over in a louder and louder tone of</p> <p>14 voice and hoping to get a different</p> <p>15 answer. That's badgering the</p> <p>16 witness, it's not acceptable as the</p> <p>17 Federal rules and I'd ask you to cut</p> <p>18 it out, please.</p> <p>19 MR. CAPOGROSSO: It's a</p> <p>20 different context that I asked that</p> <p>21 question. Different context.</p> <p>22 This is in respect to the</p> <p>23 morning of May 11th. That question</p> <p>24 was asked with respect to another</p> <p>25 incident. That question was asked</p>

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<p style="text-align: right;">Page 57</p> <p>1 Danielle Calvo</p> <p>2 with respect to the incident on the</p> <p>3 morning -- the incident of May 11,</p> <p>4 2015.</p> <p>5 MR. THOMPSON: Go ahead and ask</p> <p>6 your question.</p> <p>7 Q. Did you an opportunity to read</p> <p>8 the police report that was written by</p> <p>9 Defendant Smart on the morning of May 11,</p> <p>10 2015, did you not?</p> <p>11 A. I don't recall.</p> <p>12 Q. Let me find that police report,</p> <p>13 it's Exhibit 67.</p> <p>14 (Whereupon, Plaintiff's Exhibit</p> <p>15 67, previously marked, was</p> <p>16 introduced.)</p> <p>17 Q. Now, this is a police officer</p> <p>18 writing the first paragraph. "Mr.</p> <p>19 Capogrosso" --</p> <p>20 MR. THOMPSON: Object to the</p> <p>21 form of the question.</p> <p>22 Q. Well, this is a workplace</p> <p>23 violence incident report. The top portion</p> <p>24 indicates, "Mr. Capogrosso said "back up,</p> <p>25 back up," that would be to Defendant Smart.</p>	<p style="text-align: right;">Page 59</p> <p>1 Danielle Calvo</p> <p>2 Q. But, then on the following</p> <p>3 paragraph down below you state, "I was</p> <p>4 told" -- you went to Judge Gelbstein at</p> <p>5 some point that I couldn't get arrested</p> <p>6 because I used an open hand which is what I</p> <p>7 did, I put my hand up, not a closed fist.</p> <p>8 I was told by Judge Gelbstein your writing</p> <p>9 this Danielle Calvo, to go with officers</p> <p>10 from the police room to tell Mr. Capogrosso</p> <p>11 to leave the building, but you don't recall</p> <p>12 telling Gelbstein that I told him to back</p> <p>13 up?</p> <p>14 A. I don't recall.</p> <p>15 Q. Yet this report gets me removed</p> <p>16 from the practice of law at all New York</p> <p>17 TVBs; is that fair?</p> <p>18 MR. THOMPSON: Objection to the</p> <p>19 form of question. You can answer.</p> <p>20 Q. So, you refused to give</p> <p>21 Defendant Gelbstein and Defendant Traschen</p> <p>22 my version of what happened; is that a fair</p> <p>23 statement?</p> <p>24 A. I have no idea if they asked me</p> <p>25 or what -- if I didn't see exactly what</p>
<p style="text-align: right;">Page 58</p> <p>1 Danielle Calvo</p> <p>2 Did you ever tell Defendant</p> <p>3 Gelbstein and Defendant Traschen that I</p> <p>4 told Smart to back up, back up?</p> <p>5 A. I don't even see where you're</p> <p>6 looking at because --</p> <p>7 Q. The top paragraph description</p> <p>8 of events leading to the incident. Second</p> <p>9 line, "Mr. Capogrosso said back up, back up</p> <p>10 to David Smart."</p> <p>11 Did you ever tell Defendant</p> <p>12 Gelbstein or Defendant Traschen that I said</p> <p>13 to Smart "back up, back up"?</p> <p>14 MR. THOMPSON: Let me just say</p> <p>15 before you answer the question, I'm</p> <p>16 going to instruct you not to say</p> <p>17 anything about any conversation you</p> <p>18 had with Ida Traschen on the basis of</p> <p>19 attorney/client privilege. You can</p> <p>20 answer the question.</p> <p>21 A. I don't recall.</p> <p>22 Q. So, you never told either</p> <p>23 Gelbstein or Traschen that I'm telling</p> <p>24 Smart to get away from them?</p> <p>25 A. I have no idea.</p>	<p style="text-align: right;">Page 60</p> <p>1 Danielle Calvo</p> <p>2 happened, how am I going to tell them</p> <p>3 anything. Whatever report they were given,</p> <p>4 I don't...</p> <p>5 Q. Why didn't you ask me what</p> <p>6 happened that day and take my statement</p> <p>7 before you --</p> <p>8 A. I recorded what happened to my</p> <p>9 supervisor and this is what they told me to</p> <p>10 do.</p> <p>11 Q. Somebody who came and told you</p> <p>12 and you never questioned Smart and you</p> <p>13 never questioned me; right?</p> <p>14 MR. THOMPSON: Object to the</p> <p>15 form.</p> <p>16 Q. Is that what happened?</p> <p>17 A. I don't remember.</p> <p>18 Q. Do you believe you acted</p> <p>19 lawfully that day?</p> <p>20 A. Do I believe that I acted</p> <p>21 lawfully, me'?</p> <p>22 Q. Yes.</p> <p>23 A. Yes.</p> <p>24 Q. And what authority or right did</p> <p>25 you act that day?</p>

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<p style="text-align: right;">Page 61</p> <p>1 Danielle Calvo</p> <p>2 MR. THOMPSON: Objection, calls</p> <p>3 for a legal conclusion.</p> <p>4 A. I was a supervisor and I was</p> <p>5 told by my supervisors what to do and</p> <p>6 that's what I did. I asked you to leave</p> <p>7 the building.</p> <p>8 Q. And you never followed up as to</p> <p>9 look to the videotape as to what happened</p> <p>10 that day?</p> <p>11 MR. THOMPSON: Objection, asked</p> <p>12 and answered.</p> <p>13 Q. Did you look at the videotape</p> <p>14 after I was removed?</p> <p>15 MR. THOMPSON: Objection as to</p> <p>16 form. Objection, asked and answered,</p> <p>17 you can answer.</p> <p>18 A. I don't remember if I did, but</p> <p>19 at that point that you were gone, it's out</p> <p>20 of my hands what they decided to do as far</p> <p>21 as that goes, had nothing to do with me.</p> <p>22 No one asked me my opinion.</p> <p>23 Q. But it was your report to</p> <p>24 Gelbstein and then to Traschen based on</p> <p>25 what you said somebody told you, that got</p>	<p style="text-align: right;">Page 63</p> <p>1 Danielle Calvo</p> <p>2 question at this point eight or nine</p> <p>3 times.</p> <p>4 Q. You never verified what you saw</p> <p>5 or what you were told, did you, at any</p> <p>6 point in time?</p> <p>7 MR. THOMPSON: Object to the</p> <p>8 form of the question. You can answer</p> <p>9 and Mr. Capogrosso I would ask you to</p> <p>10 not ask the same question again for</p> <p>11 time Number 10.</p> <p>12 Q. I'm waiting, did you ever</p> <p>13 verify what you were told was truthful?</p> <p>14 A. Nobody asked me to verify it.</p> <p>15 So, if someone asked me to that's not part</p> <p>16 of my job, I'm not an investigator. We</p> <p>17 have a whole DMV investigation unit if they</p> <p>18 wanted to investigate an incident or a</p> <p>19 police report or anything else.</p> <p>20 Q. So, you didn't feel any</p> <p>21 compulsion just to verify the truthfulness</p> <p>22 of what somebody told you?</p> <p>23 MR. THOMPSON: Objection.</p> <p>24 Q. The first party that you know</p> <p>25 who it is and you felt no compulsion to</p>
<p style="text-align: right;">Page 62</p> <p>1 Danielle Calvo</p> <p>2 me removed; but you didn't verify that</p> <p>3 story by looking at the videotape, now did</p> <p>4 you?</p> <p>5 MR. THOMPSON: Objection as to</p> <p>6 form. Objection, asked and answered,</p> <p>7 you can answer.</p> <p>8 A. I reported what I was told and</p> <p>9 what happened as far as I know it.</p> <p>10 Q. But you didn't verify --</p> <p>11 A. Any investigation is not to be</p> <p>12 done by me. I'm not the legal division of</p> <p>13 the Department of Motor Vehicles. I'm not</p> <p>14 an investigator.</p> <p>15 Q. But you're the one telling</p> <p>16 Gelbstein and you're the one telling</p> <p>17 Traschen of this alleged incident of what</p> <p>18 happened?</p> <p>19 MR. THOMPSON: Objection,</p> <p>20 argumentative.</p> <p>21 Q. But you never verified that</p> <p>22 what you told them was actually true, now</p> <p>23 did you?</p> <p>24 MR. THOMPSON: Objection, asked</p> <p>25 and answered. You've asked this</p>	<p style="text-align: right;">Page 64</p> <p>1 Danielle Calvo</p> <p>2 verify that?</p> <p>3 MR. THOMPSON: You've already</p> <p>4 asked this question, she's already</p> <p>5 answered it.</p> <p>6 Q. That's the way business is</p> <p>7 handled at the Brooklyn TVB. What</p> <p>8 everybody says that's acceptable as truth,</p> <p>9 right; is that how business is handled down</p> <p>10 there?</p> <p>11 MR. THOMPSON: Objection,</p> <p>12 compound. Why don't you pick one</p> <p>13 question and ask it.</p> <p>14 Q. Is that how business is handled</p> <p>15 at the Brooklyn TVB?</p> <p>16 MR. THOMPSON: Objection to the</p> <p>17 form.</p> <p>18 Q. Miss, you have to answer it.</p> <p>19 That's how business is handled,</p> <p>20 people make complaints --</p> <p>21 MR. THOMPSON: Mr. Capogrosso</p> <p>22 that is not even a question. Are we</p> <p>23 done here? What are we doing?</p> <p>24 MR. CAPOGROSSO: Give me</p> <p>25 another three minutes, let me make</p>

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<p style="text-align: right;">Page 65</p> <p>1 Danielle Calvo</p> <p>2 sure I got everything. Give me a few</p> <p>3 more minutes.</p> <p>4 Q. Did you tell Defendant Smart to</p> <p>5 approach me on the morning of May 11, 2015?</p> <p>6 A. I never told him to approach</p> <p>7 you for anything.</p> <p>8 Q. Did you attempt to curtail my</p> <p>9 exercise of freedom of speech by having me</p> <p>10 removed from the Brooklyn TVB?</p> <p>11 MR. THOMPSON: Objection to the</p> <p>12 form of the question. You can</p> <p>13 answer.</p> <p>14 A. No.</p> <p>15 Q. Did you ever observe ticket</p> <p>16 brokers going to Defendant Gelbstein's</p> <p>17 office, ticket brokers, you know what a</p> <p>18 ticket broker is, right?</p> <p>19 Did you ever observe ticket</p> <p>20 brokers in Defendant Gelbstein's office?</p> <p>21 MR. THOMPSON: Objection to the</p> <p>22 form, you can answer.</p> <p>23 A. Rumor to be, yes. Do I have</p> <p>24 proof what they were? No.</p> <p>25 Q. But, you saw them in his</p>	<p style="text-align: right;">Page 67</p> <p>1 Danielle Calvo</p> <p>2 A. No.</p> <p>3 Q. Do you have any knowledge that</p> <p>4 Defendant Gelbstein had his own caseload</p> <p>5 down there at the Brooklyn TVB?</p> <p>6 A. No.</p> <p>7 Q. Did you think it was suspicious</p> <p>8 that ticket brokers were in his office on a</p> <p>9 routine basis?</p> <p>10 MR. THOMPSON: Objection to the</p> <p>11 form, you can answer.</p> <p>12 Q. Was it suspicious to you?</p> <p>13 A. Yes.</p> <p>14 Q. It was suspicious.</p> <p>15 Were you concerned about it;</p> <p>16 were you concerned about it that he was</p> <p>17 doing something wrong?</p> <p>18 A. I was concerned about it, but I</p> <p>19 had no proof, so...</p> <p>20 Q. But you didn't do anything</p> <p>21 about it, right, you didn't file any</p> <p>22 complaint with anybody; you see, I did and</p> <p>23 I got removed.</p> <p>24 MR. THOMPSON: Objection to the</p> <p>25 form of the question.</p>
<p style="text-align: right;">Page 66</p> <p>1 Danielle Calvo</p> <p>2 office; right?</p> <p>3 A. Yes.</p> <p>4 Q. Did you question him why they</p> <p>5 were in his office?</p> <p>6 A. Question him?</p> <p>7 Q. Yes.</p> <p>8 A. He's my supervisor, I wasn't in</p> <p>9 a position to question him.</p> <p>10 Q. Did you ever see defendant</p> <p>11 Gelbstein in the GE room pleading motorists</p> <p>12 guilty or have any knowledge to that</p> <p>13 effect?</p> <p>14 A. No.</p> <p>15 Q. Did you ever see Defendant</p> <p>16 Gelbstein in the GE room rescheduling</p> <p>17 motorists cases, did you ever see him doing</p> <p>18 that?</p> <p>19 A. No.</p> <p>20 Q. Did you have any knowledge of</p> <p>21 any attorneys covering cases for Defendant</p> <p>22 Gelbstein while they were working at the</p> <p>23 Brooklyn TVB?</p> <p>24 A. No.</p> <p>25 Q. Arguing cases on his behalf?</p>	<p style="text-align: right;">Page 68</p> <p>1 Danielle Calvo</p> <p>2 Q. I did complain, I saw what was</p> <p>3 going on and I complained.</p> <p>4 MR. THOMPSON: Same objection.</p> <p>5 Q. And I got removed, but you</p> <p>6 didn't do anything; right?</p> <p>7 MR. THOMPSON: Objection to the</p> <p>8 form of the question.</p> <p>9 Q. But you saw the activities of</p> <p>10 Defendant Gelbstein and what he was doing?</p> <p>11 MR. THOMPSON: Mr. Capogrosso</p> <p>12 can you ask one question and if</p> <p>13 you're just going to pontificate</p> <p>14 instead of asking questions then</p> <p>15 maybe we should be done. If you have</p> <p>16 a question to ask, ask it.</p> <p>17 Q. You saw the action of Defendant</p> <p>18 Gelbstein, right, after what he was doing?</p> <p>19 A. If I can't say what he was</p> <p>20 actually doing. Did I see people go into</p> <p>21 his office that I didn't think should be</p> <p>22 there, yeah, but I can't say what they were</p> <p>23 doing.</p> <p>24 MR. CAPOGROSSO: All right.</p> <p>25 Okay. That's it. Okay, thank you</p>

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<p style="text-align: right;">Page 69</p> <p>1 Danielle Calvo 2 very much. I'm done. 3 (Whereupon, at 2:37 P.M., the 4 Examination of this witness was 5 concluded.) 6 7 o o o o 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 71</p> <p>1 Danielle Calvo 2 E X H I B I T S 3 4 PLAINTIFF'S EXHIBITS (Previously marked) 5 6 EXHIBIT EXHIBIT PAGE 7 NUMBER DESCRIPTION 8 4 Three-page DMV article 24 9 11 One-page letter dated 10 June 20, 2012 30 11 7 11-page Verified Petition 37 12 85 Four-page workplace 13 violence incident 45 14 67 Three-page workplace 15 violence incident 67 16 17 (Exhibits retained by Court Reporter.) 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">Page 70</p> <p>1 2 DECLARATION 3 4 I hereby certify that having been 5 first duly sworn to testify to the truth, I 6 gave the above testimony. 7 8 I FURTHER CERTIFY that the foregoing 9 transcript is a true and correct transcript 10 of the testimony given by me at the time 11 and place specified hereinbefore. 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p style="text-align: center;">_____ DANIELLE CALVO</p> <p>Subscribed and sworn to before me this ____ day of _____ 20__.</p> <p style="text-align: center;">_____ NOTARY PUBLIC</p>	<p style="text-align: right;">Page 72</p> <p>1 Danielle Calvo 2 I N D E X 3 4 EXAMINATION BY PAGE 5 MR. CAPOGROSSO 3 6 7 8 INFORMATION AND/OR DOCUMENTS REQUESTED 9 INFORMATION AND/OR DOCUMENTS PAGE 10 (None) 11 12 13 14 15 16 QUESTIONS MARKED FOR RULINGS 17 PAGE LINE QUESTION 18 (None) 19 20 21 22 23 24 25</p>

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1 Danielle Calvo
2 C E R T I F I C A T E
3

4 STATE OF NEW YORK)
: SS.:
5 COUNTY OF KINGS)
6

7 I, JAMIE NEWMAN, a Notary Public for
8 and within the State of New York, do hereby
9 certify:

10 That the witness whose examination is
11 hereinbefore set forth was duly sworn and
12 that such examination is a true record of
13 the testimony given by that witness.

14 I further certify that I am not
15 related to any of the parties to this
16 action by blood or by marriage and that I
17 am in no way interested in the outcome of
18 this matter.

19 IN WITNESS WHEREOF, I have hereunto
20 set my hand this 31st day of December 2020.

21
22 
23 JAMIE NEWMAN
24
25

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